

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MALCOLM BEY, ET AL.,

Plaintiffs,

- against -

ORDER

11-CV-3296 (JS)(WDW)

STATE OF NEW YORK, ET AL.,

Defendants.

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APPEARANCES:

For Plaintiff:

Malcom Bey, Pro Se
Francique Bey, Pro Se
Rein Bey, Pro Se
Drizzle Bey, Pro Se
Truth Bey, Pro Se
Amicus Curie Bey, Pro Se
P.O. Box 31
Uniondale, New York 11553

For Defendants: No appearances

SEYBERT, District Judge:

The Court's records reflect that the Complaint in this action was filed on July 8, 2011. Rule 4(m) of the Federal Rules of Civil Procedure provides:

If a defendant is not served within 120 days after the complaint is filed, the court - on motion or on its own after notice to the plaintiff - must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Accordingly, if service is not made upon Defendants by November 7, 2011, or Plaintiffs fail to show good cause why such

service has not been effected, this action will be dismissed without prejudice. **Plaintiffs are to provide a copy of this Order to Defendants along with the Summons and Complaint.**

Plaintiffs are required to advise the Clerk of Court of any change of address. Failure to keep the Court informed of Plaintiffs' current address means the Court will not know where to contact Plaintiffs and may result in dismissal of the case.

Further, insofar as pro se Plaintiffs Malcolm and Francique Bey seek to represent their children, Rein, Drizzle, Truth, and Amicus Curie, in this case they are without authority to do so. Berrios v. New York City Housing Auth., 564 F.3d 130, 133 (2d Cir. 2009) (a non-attorney parent cannot appear on behalf of his or her child). Accordingly, the claims of Plaintiffs Rein, Drizzle, Truth and Amicus Curie shall be dismissed without prejudice unless counsel enters an appearance on their behalf within thirty (30) days of the date of this Order.

SO ORDERED.

/s/ JOANNA SEYBERT
JOANNA SEYBERT, U.S.D.J.

Dated: July 28, 2011
Central Islip, New York